

Memorandum

365.0045

To: Mr. Rick Slater, Supervisor
Special Procedures Section

Date: September 17, 1997

From: Ani Kindall
Senior Tax Counsel

Subject: Release of Taxpayer's Records to a Trustee in Bankruptcy
P--- Inc. SR -- XX-XXXXXX

A question has arisen in the above referenced matter regarding the release of the taxpayer's records to the trustee in bankruptcy.

A trustee in a bankruptcy is the representative of the bankruptcy estate (11 U.S.C. § 323(a)). Consequently, the Board may release any taxpayer records that are relevant to the bankruptcy estate to the trustee in bankruptcy without either a power of attorney or a court order. In the present situation, where the corporation no longer exists, the trustee in bankruptcy may have access to any Board records in Profco's file.

If you have any question, please call me at 324-2195.

Ani Armen Kindall

cc: Mr. James Speed
Ms. Sue Coty
Ms. Mary Armstrong
Mr. Gary Jugum
Ms. Janet Vining
Mr. Tom Cooke
Mr. Greg Day
Mr. A. Dewey Roberts
Ms. Kathleen Silva
Ms. Stephanie Cervantes
Ms. Theresa Lane
Ms. Wendy Keethe
Ms. Barbara Lee
Mr. Dennis Fox – please promulgate, annotate